

## Remarks

Claims 1, 12, 13, 15, 19, 20 and 24 are pending in the application. Claims 1, 12, 13, 15, 19, 20 and 24 are rejected. Claims 1, 13 and 15 are amended herein. No new matter is added. All rejections are respectfully traversed.

Claims 1, 13, and 15 are amended to correct minor clerical errors and omissions. No new matter is added.

Claims 1, 12, 13, 19, 20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Best (U.S. 6,118,796) in view of Houh (U.S. Pub. No. 2002/0015387), and in further view of Chase (U.S. Pub. No. 2003/0161328).

The invention performs automated remote monitoring of each of a plurality of managed devices in a network. For each of a plurality of ports of each managed device on the network, configuration information for each port and its link to a respective other device is remotely accessed. The configuration information indicates a duplex state and data transmission speed for each port and associated device. A series of interrogations are applied to the configuration information to determine whether each port and associated link conform to at least one predetermined configuration criterion for the duplex state and data transmission speed. When the configuration does not conform to a criterion, an indication of the non conformity is provided.

Best describes an integrated service digital network (ISDN) terminal adaptor that can identify a type of ISDN switch connected to the adapter in order to

identify a service profile identifier (SPID) for the switch. The adaptor can also include an error rate detector for altering the Baud rate in cases of excessive error. However, Best has nothing to do with remotely monitoring ports or links of devices on a network, as claimed.

At col. 10, lines 37-55 Best describes three independent full-duplex serial communications controllers and a microprocessor core, see, lines 40-51, below:

drivers 290. From a perspective of handling B-channel data, CPU platform 40, shown within data section 280, can be represented by microprocessor core 272 along with its three independent full-duplex serial communications controllers  
45 274, 276 and 278; the first two being used as B-channel HDLCs 1 and 2, respectively, and the last one being used as an asynchronous controller for controlling RS-232 transceiver (UART) 80. While the asynchronous controller sets and supervises the operation of the UART, this controller is  
50 itself controlled, as symbolized by line 292, by AE process 260, this process being discussed in detail below. B-channel

Claimed is accessing configuration information indicating a duplex state and data transmission speed for each of a plurality of ports and respective links.

Col. 10, lines 37-55 describe full-duplex capability in a single terminal adaptor. However, there is nothing in Best that describes accessing configuration information of the terminal adaptor to indicate that the terminal adaptor port has a full duplex state, as claimed. The reference just teaches that the adaptor is capable of full-duplex. There is no accessing configuration parameters to discover configuration information indicating a respective duplex state and data transmission speed described anywhere in Best.

The Examiner's reference to col. 4, lines 7-20, is non-sequitor, because the referenced section of col. 10 describes the full-duplex capability of the

adaptor. However, the cited section of col. 4 describes detecting a switch type and automatically changing the operation of the switch. The Examiner is reminded that what is claimed is “for each port of a plurality of ports of *each of* said plurality of managed devices on the network.” The Examiner has referenced sections that describe two different devices. Col. 10 describes *an adaptor* having full-duplex capability. Col. 4 describes detecting *a switch* type, not adaptor, and automatically changing the switch operation. The Examiners rejection does not follow the claimed accessing for each port of each device, as claimed. There is no description of port configuration parameters in col. 4 either. The combination completely fails to describe accessing configuration information for ports and links of either device to determine a respective duplex state and data transmission speed of each of a plurality of devices on a network, as claimed. The Applicants respectfully request the Examiner specifically point out where configuration information is accessed, which indicates duplex state and transmission speed, as claimed.

Col 24, lines 40-67 describes an adaptor determining and adjusting its own serial speed, which has nothing to do with the invention. The speed adjustment has no relationship with accessing configuration information, the adaptor is not accessed, and no duplex state or transmission speed is determined from configuration information of ports, as claimed. It appears that Best fails to describe any of the elements of what is claimed.

The Examiner’s assertion that best describes “querying of the system takes place to determine the type of device and switch” misrepresents what is claimed. The invention applies a series of interrogations to the accessed configuration information to determine whether said each port and

associated link conform to at least one predetermined configuration criterion for each of said duplex state and data transmission speed. The Examiner's reliance on Best is based on pure conjecture. In Best the determination of switch type by the adaptor leads to the adaptor retrieving the SPID configuration of the switch to configure the adaptor to work with the switch. At col. 4, Best describes:

30 In accordance with our invention and as to automatic switch detection and SPID configuration, our inventive terminal adapter automatically detects the switch type by analyzing D-channel ISDN initialization messages received from the switch as well as, where appropriate, responses, in terms of D-channel ISDN messages, received from the switch to specific ISDN messages sent by the adapter, and  
35 sets the switch type accordingly. The switch type value is

Initialization messages are not accessed configuration information. The switch and adaptor are not one port or even one device. For each port of each device is claimed. Further, Best teaches the adaptor configures itself to work with the switch. This has nothing to do with the invention. Further, Best retrieves a SPID configuration based on switch type to configure the adaptor. Claimed is when the configuration of said each port and associated link does not conform to said at least one predetermined configuration criterion, providing an indication of the non conformity that has been determined. Therefore, the Examiner is requested to reconsider and withdraw the rejection based on Best.

Houh fails to cure the defects of Best. At paragraph [0060] Houh describes monitoring ports for statistical information, e.g., total packets, bytes per second, number of RTP streams, see [0060]. Claimed is accessing configuration information for each port and its respective associated link to a respective other device, said configuration information indicating for said

each port and said respective other device a respective duplex state and data transmission speed, which, as stated above, Best also fails to teach. The Examiner's application of Best is flawed at least in that it requires looking to two devices at least to get the information derived from one port, as claimed. It should also be understood that Best fails to teach any of the elements of what is claimed, for the above stated reasons. Therefore, the combination of Best and Hough is useless for making the invention obvious.

At paragraph [0067] Chase teaches notification of backward congestion. The Examiner's application of Chase is confusing to the Applicants. Claimed is when the **configuration** of said each port and associated link does not conform to said at least one predetermined **configuration criterion**, providing an indication of the non conformity that has been determined. A person of ordinary skill in the art would never confuse backward congestion with a configuration criterion, as claimed. The Examiner's proposed motivation for combining the references makes no sense at all. Therefore, the combination of Best, Houh and Chase is useless for making the invention obvious. The Applicants respectfully request the Examiner reconsider and withdraw the rejections of claims 1 and 24.

In claim 12, the interrogations determine whether said each port and a port at the other end of said associated link are running the same duplex mode. As stated above, the combination of Best, Houh, and Chase fails to describe interrogating configuration information indicating a duplex state and transmission speed. Nothing in Best interrogates configuration information, as claimed. Further, an **indication** of duplex state is never made.

Regarding claims 13, 19, and 20, the Examiner points to sections that describe multiple devices, e.g., adaptor, switch, and PC interacting. The Examiner is requested to point out, with specificity, exactly which words mean the interrogations determine whether ports at both ends of said associated link are capable of full duplex operation; the interrogations determine whether auto-negotiation is switched on at both ends of the link; and the interrogations determine whether said each port has been set to run at a fixed speed less than its maximum capability with auto-negotiation, respectively. It is unclear which devices the Examiner believes to be interrogating configuration information, and which device configuration information is being interrogated. Clarification of the rejection is respectfully requested.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Best, Houh, and Chase in further view of Malalur (U.S. 6,879,588).

Malalur is relied upon only to teach trunk links. In view of the arguments presented above with respect to claims 1 and 24, Malalur can not overcome the defects of Best, Houh, and Chase. Therefore, the Applicants respectfully request the Examiner reconsider and withdraw his rejection based on Best, Houh, Chase and Malalur.

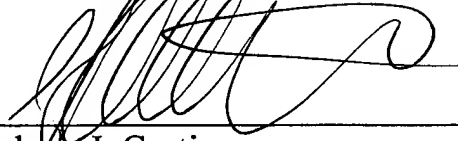
It is believed that this application is now in condition for allowance. A notice to this effect is respectfully requested. Should further questions arise concerning this application, the Examiner is invited to call Applicant's attorney at the number listed below.

Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account 50-3650.

Respectfully submitted,

3Com Corporation,

By



Andrew J. Curtin

Attorney for the Assignee

Reg. No. 48,485

350 Campus Drive

Marlborough, MA 01752

Telephone: (508) 323-1330

Customer No. 56436